



## Supreme Court of Illinois

November 6, 2017

### **ILLINOIS SUPREME COURT ANNOUNCES FINDINGS, NEXT STEPS FOLLOWING JUDICIAL DECISION-MAKING STUDY**

The Illinois Supreme Court today has announced findings from a judicial decision-making study undertaken by the Supreme Court Committee on Equality. The statewide online study, completed by the majority of Illinois judges, was developed and analyzed by the American Bar Foundation with researchers Dr. Andrea Miller and Dr. Robert Nelson. Dr. Miller and Dr. Nelson designed the study to analyze various approaches to judicial decision-making and the considerations that influence outcomes of those decisions, including race, gender, poverty, and legal representation in criminal, civil and family law cases.

"On behalf of the entire Court, I would like to commend the Supreme Court Committee on Equality for undertaking this important study. To further promote equality and fairness in the administration of justice, our Court believes that the judiciary should begin by looking within, that is, by undertaking a self assessment of the judicial decision-making process and external factors that may unknowingly influence that process," Chief Justice Lloyd A. Karmeier said. "This ground-breaking study provides critical insights into these issues. Recognizing that implicit biases influence everyday life decisions by the general population, the study helps us see our own. The conclusions it reaches will be invaluable in guiding the Court's continued efforts to improve public confidence in the judicial branch and insure that everyone who seeks the protections of our judicial system will receive equal justice under the law without regard to race, gender, economic status, or ability to retain counsel."

The Committee on Equality was established by the Court in 2015 to help "promote equality and fairness in all aspects of the administration of justice and facilitate a high level of trust and public confidence in the courts, judicial officers, and the entire judicial system" and to advance our commitment "to a judicial system free of bias in which every user and employee of the court feels fairly treated, safe, and respected." The Committee, in coordination with the Conference of Chief Circuit Judges, was approved by the Supreme Court in May 2016 to undertake the study with the help of the Administrative Office of the Illinois Courts.

"The results of the study demonstrate that judges are just like everyone else in that we are susceptible to influences which unconsciously affect our decisions. The Supreme Court is to be applauded for its courage in undertaking this endeavor. There is no shame in admitting that we are all affected by implicit bias to some degree," said Hon. Joseph McGraw, Chair of the Equality Committee. "Correspondingly, we all bear responsibility for engaging in constructive

steps to improve our deliberative decision-making and thereby reduce the effects of implicit bias.”

An online questionnaire involving hypothetical court cases assessing judicial decision-making in different areas of law was first distributed in November 2016 with data collection from all circuit courts concluding in April 2017. In all, 619 of the 901 circuit court judges in Illinois completed the survey.

The results of the survey found that implicit biases, which are distinguishable from overt biases, are present and impact outcomes depending on the race, gender, poverty and legal representation status of the hypothetical parties. Additionally, factors such as adverse working conditions were found to have a potential affect on judges' ability to deliver consistent, unbiased decisions.

Enlightened with these findings, the Committee on Equality will solicit feedback on the results and will work with the Administrative Office, the Conference of Chief Circuit Judges, the Illinois Judicial College, the Illinois Supreme Court Illinois Judicial Conference Committee on Strategic Planning and the Illinois Supreme Court Commission on Access to Justice to coordinate ongoing judicial education around the state to help judges incorporate anti-bias ideas and procedures into judicial decision-making.

"The Illinois Supreme Court has shown leadership and courage in their willingness to confront the issue of bias in state trial courts," said Dr. Miller, who is now at the University of Illinois at Urbana-Champaign. "Now that we have a better sense of which forms of judicial decision-making are most vulnerable, we can move forward. The most important phase of this initiative will be the next step: working together to identify implicit biases that potentially affect case outcomes."

While studies show that implicit biases cannot be completely eradicated, implicit biases may be mitigated by promoting self-awareness, understanding the nature of bias and offering trainings and facilitated discussions (especially from socially dissimilar groups) to promote bias literacy.

"Because implicit biases are automatic, they can influence or bias decisions and behaviors, both positively and negatively, without an individual's awareness—leaving open the possibility that even those dedicated to the principles of a fair justice system may, at times, unknowingly act in ways that are unintentionally unfair," said Marcia M. Meis, Director of the Administrative Office of the Illinois Courts. "Given the critical importance of exercising fairness and equality in the court system, the Administrative Office of the Illinois Courts is committed to assisting the Committee on Equality in raising awareness and reducing the influence of implicit bias in judicial decision making. We also hope other public institutions examine how implicit biases impact their ability to serve the public equitably, in the hopes that we can all move towards becoming a more just society. "

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